

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Thursday 04th March, 2021

No. 64

**GOVERNMENT OF SIKKIM
EDUCATION DEPARTMENT
GANGTOK**

No: 1807/EDN/ADM

Dated: 25/02/2021

NOTIFICATION

In exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules, namely:-

**Short title and
Commencement**

1. (1) These rules may be called the Sikkim Education Department Teachers, Headmasters/ Headmistress, Principals and other non-teaching staff of Schools Transfer Rules, 2017.
- (2) They shall come into force on the date of publication in the Official Gazette.

Objective

2. (1) The Education Department shall strive to maintain equitable distribution of teachers and non-teaching staff in all schools with special regard to protect academic interest of students and optimize job satisfaction amongst its employees. The primary objective of the rule shall be to regulate transfer of teachers and other employees posted in schools and streamline all transfers.
- (2) All employees shall be transferred anywhere within the state at any point of time and transfer to a desired location cannot be claimed as a matter of right. While effecting transfer, the organizational interest shall be given utmost consideration and that the problems and difficulty of employees shall remain subservient.

Applicability

3. (1) These Rules shall be applicable to all categories of Teachers, Headmasters/Headmistress, Principals and all non-teaching staff posted under Education Department in schools.
- (2) Teachers appointed on Adhoc/Contract or Substitute basis shall not be covered under these rules and such teachers shall **not be eligible for transfer**.

Type of Transfer	<p>4. (1) Transfer may broadly be classified in two types, namely</p> <p>(a) Administrative transfer, which the Department orders suo-moto in the exigencies of service and in public interest/administrative grounds.</p> <p>(b) Request transfer / transfer on medical grounds, which shall be effected based on the request of a teacher.</p>
Transfer in the interest of public service	<p>5. Teachers who have been serving in the same school since appointment and have completed more than 10 (ten) years in the same school shall be transferred to another area. However, teachers serving in rural areas who have completed more than 10(ten) years but desires to continue in such area shall be allowed to do so.</p>
Transfer on request	<p>6. (1) For transfer on request, preference shall be given to teachers duly considering the number of years left for his/her retirement.</p> <p>(2) Special preference shall be given to female teachers failing under the criteria of special family circumstances such as widow , single parent, nursing mothers with children below 2 (Two) years of age.</p> <p>(3) Transfer on request will be made before the commencement of the academic session according to the calendar of activities. However, transfer on administrative grounds may be effected by the competent authority at any time during the year against available vacancy.</p> <p>(4) All applications for transfer on request shall be routed through concerned District Heads only.</p> <p>(5) All transfer on request shall be submitted in the prescribed Application form only(Annexure I). The Transfer Application Form may be downloaded from the official website of the Department. No separate application for transfer shall be entertained.</p>
Transfer on Medical Grounds	<p>7. (1) All application for transfer under medical ground will be referred to the State Medical Board duly considering the nature of illness as deemed fit by the Department.</p> <p>(2) In extreme cases. i.e, where the incumbent is not able to perform duty due to illness resulting in the hampering of works, he/she may be allowed to proceed on voluntary retirement.</p> <p>However, if such offer is not accepted and the teacher is medically unfit to perform duty,compulsory retirement as per the rules shall be recommended in the interest of the public service.</p>
Compulsory rural posting for fresh recruits /promotes	<p>8. (1) All fresh recruits/promotes shall be posted compulsorily in rural areas for mandatory period of 5 (five) years. If no vacancy is available in such area a vacancy shall be created by transferring those teachers to urban/semi urban areas who have completed</p>

10(ten) years in such area. **Under no circumstances will their request for transfer before completion of the mandatory period be entertained.**

- (2) SSTRB shall complete recruitments before the commencement of new academic session to enable synchronization of fresh postings with those who have completed 10(ten) years of rural posting to their desired urban/semi urban area posting.

- 9 (1) Mutual transfer request shall be considered provided the teachers are of the same discipline and post.

**General
Guidelines**

- 10 (1) Transfer/posting to a particular school shall not be claimed as a matter of right. Available of clear-cut vacancy is a must for all transfers.

- (2) Efforts will be made to ensure that persons with disabilities **(40% and above only)** are posted in their home area subject to availability of vacancies and other provisions of these rules.

- (3) Teachers who attain the age of 53 (fifty three) years as on 1st January of the corresponding year shall not be transferred unless on administrative ground.

- (4) Replacement for teachers transferred from rural areas shall be made from those posted in urban areas who have completed 10(ten) years or more in such areas.

- (5) A teachers once transferred to a particular schools on whatsoever ground will have to remain at his/her place of posting for a minimum periods of 3 (three) years before applying for transfer unless the case is on mutual.

- (6) The maximum period allowed in home area is 10(ten) years. However teachers who attain the age of 53 (fifty three) years as on 1st January of the corresponding year may again apply for home area posting subject to clear vacancy.

- (7) Preference shall be given to teachers who have successfully completed their compulsory tenure in rural areas, provide a vacancy exists in the preferred schools.

- (8) Attempts to bring any political or other outside influence for transfer on any superior authority of the Department shall be treated as misconduct and would be liable for disciplinary action under the Sikkim Government Servant Conduct Rules, 1981 and the Sikkim Government Servant's (Discipline and Appeal Rules, 1985).

- (9) All important transfer related information including transfer orders shall be uploaded in the official website of the Department

(www.sikkimhrdd.org). No separate communications shall be made with regard to rejection of application.

- (10) Applicants whose request could not be considered in a calendar year for want of vacancy or other reasons shall have to apply afresh for transfer in the following year.
 - (11) Re- Deployment of excess manpower shall be carried out in accordance with Notification No. 02-722/PG/EDN/167, dated 16.07.2016. **Manpower Management Guidelines for Determination of Teachers Strength in Schools.**
 - (12) Teachers who have completed more than 10 (ten) years of service in urban areas shall be transferred to Rural areas on 'first-come-first go' basis.
 - (13) The district office shall maintain a completed database of all categories of teachers within the district and ensure that teachers are evenly distributed at all point of time keeping the academic interest of the students and as per the requirement.
- 11 (1) Application form, duly filled in and endorsed by the concerned District Head may be submitted to the following Nodal Officers from 1st September to 31st October of the calendar year;
- (i) All Graduate Teachers under Junior High School (JHS), Primary Teachers & Pre_Primary Teachers and Headmasters Junior High Schools (JHS)/ Primary Schools–**Director (Elementary Education)**
 - (ii) All Graduate Teachers under Secondary School (SS) and Post-Graduate Teachers, Principals and Headmasters SSS/SS- **Director (Secondary Education).**
 - (iii) All Language Teachers- **Director (Language).**
 - (iv) All non-teaching staff including Group D employees- **Under Secretary (Adm)**
- (2) The above nodal officers shall compile the applications and submit to the Joint Secretary (Adm.) immediately after the last date of receipt of applications for further necessary action.

Calendar of Activities

- 12 (i) Receipt of applications for request on mutual transfers: 1st September to 31st October of calendar year.
- (ii) Finalization of all transfers and hoisting the information in the website: by 31st December.
- (iii) Modification/ cancellations on the administrative ground to remove anomalies in transfer related issued: by 31st January.

- (iv) Disposal of all transfer related cases and close of entire transfer process by 31st January.
- (2) **No request, whatsoever shall be entertained after the above mentioned dates and no transfer orders shall be issued after the commencement of the Academic Session except on administrative grounds.**

This notification shall supersede Notification No: 261/HRDD/Adm/dated: 3/05/2017. The Transfer Policy shall be implemented w.e.f 01.04.2021.

By order and in the name of the Governor.

**Additional Chief Secretary and In charge
Education Department**

